

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EDWARD FENWICK, *ET AL.*,**

**Plaintiff,**

**v.**

**U.S. DEPT. HHS SECRETARY, *ET AL.***

**Defendant(s).**

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**Civil No.**

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**NOTICE OF REMOVAL**

Alex M. Azar II, Secretary of the United States Department of Health & Human Services (“Agency”), by and through his counsel, Robert K. Hur, United States Attorney for the District of Maryland, and Sarah Marquardt, Assistant United States Attorney for said District, respectfully represents that:

1. The Agency is a named defendant in the above-captioned civil action now pending in the Circuit Court of Maryland for Saint Mary’s County, Case No. C-18-CV-18000-275. Copies of all processes, pleadings, and orders received by Defendant United States Department of Health & Human Services Secretary in such action are attached hereto and marked as **Exhibit 1**.

2. The Plaintiff originally filed this state-court action in the District Court of Maryland for Saint Mary’s County on May 1, 2018, Case No. D-043-CV-18-01168. The Agency was served with the summons in Case No. D-043-CV-18-01168 on or about July 13, 2018. The Amended Complaint was not attached to the summons.

3. The United States Attorney's Office requested a copy of the Amended Complaint in Case No. D-043-CV-18-01168 from the District Court for Saint Mary's County and received it on August 14, 2018. Thereafter, the Agency filed a Notice of Removal of the District Court for Saint Mary's County action, Case No. D-043-CV-18-01168. *See* Notice of Removal, ECF No. 1 in Case No. 1:18-cv-0-2739-CCB.

4. Undersigned counsel subsequently learned, through communication with Plaintiff, that the action had been transferred to the Circuit Court for Saint Mary's County given the fact that the request for relief was over the monetary jurisdictional limits of the district court.

5. The United States Attorney's Office requested a copy of the Circuit Court file, and received the file on September 25, 2018. The Circuit court file (Case No. C-18-CV-18000-275) was identical to the District Court for Saint Mary's County file (Case No. D-043-CV-18-01168), the only difference being that the lawsuit had been assigned a new case number after being transferred out of the District Court for Saint Mary's County.

6. Hence, the United States now files this Notice of Removal of Case No. C-18-CV-18000-275 (which began as a District Court for Saint Mary's County action, Case No. D-043-CV-18-01168, and subsequently removed to the U.S. District Court for the District of Maryland, Case No. 1:18-cv-0-2739-CCB). This Notice of Removal is timely in that it is being filed within thirty days of receipt of the lawsuit from the Circuit Court for Saint Mary's County.

7. As of this filing, the United States Attorney for the District of Maryland has no notice that the United States Attorney General has been served process in this action.

8. Although the lawsuit is ambiguous, it appears that the *pro se* Plaintiff is seeking relief for damages relating to the government's Medicare subrogation rights.

9. The above-captioned action is one which may be removed to this Court because Plaintiff has named a federal agency, the United States Department of Health & Human Services Secretary, as a Defendant. *See* 28 U.S.C. § 1442(a)(1).

10. Section 1442(a)(1) provides for a “broad” grant of removal jurisdiction and is not given a “narrow, grudging interpretation.” *Nationwide Investors v. Miller*, 793 F.2d 1044, 1046 (9th Cir. 1986) (citing *Willingham v. Morgan*, 395 U.S. 402, 407 (1969)).

WHEREFORE, this action now pending in the Circuit Court for Saint Mary’s County, Case No. C-18-CV-18000-275, is properly removed.

Respectfully submitted,

Robert K. Hur  
United States Attorney

By:   
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This Notice of Removal has been signed pursuant to Rule 11, Federal Rules of Civil Procedure.

  
Sarah Marquardt  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of October, 2018, a copy of the foregoing

*Notice of Removal* was sent, first class mail, postage prepaid, to:

Regina Fenwick  
48271 Hillside Drive  
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*Pro Se Plaintiffs*

*Defendants*

  
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Sarah Marquardt  
Assistant United States Attorney